

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**
Philadelphia Division

IN RE: GERALD L. POPP, JR	Case No. 17-10583-amc Chapter 13
Wells Fargo Bank, N.A., Movant	
vs.	
GERALD L. POPP, JR, Debtor	

RESPONSE TO MOTION TO SELL PROPERTY FREE AND CLEAR OF LIENS

COMES NOW, Wells Fargo Bank, N.A., (herein, “Respondent”) by and through undersigned counsel, and hereby responds to the Motion to Sell Property Free and Clear of Liens [Doc. 100] filed on June 29, 2021 and in support thereof, shows unto the Court as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Denied. By way of further answer, Respondent is without knowledge or information to admit or deny the allegations set forth. Strict proof is demanded at trial.
6. Denied. By way of further answer, Respondent is without knowledge or information to admit or deny the allegations set forth. Strict proof is demanded at trial.
7. Admitted in part; Denied in part. It is admitted only that the Property is encumbered by mortgage to Wells Fargo Bank, N.A. The remainder of this averment is denied as a conclusion of law. By way of further response, Respondent objects to any Order permitting sale of the property without the following:

- a. Respondent's lien is paid in full from the closing proceeds, pursuant to a proper payoff quote obtained prior to and good through the closing date; or
- b. Any short payoff is approved by Respondent; and
- c. Debtor(s) shall have ninety (90) days from entry of the Order to sell the Real Property.

8. Admitted. By way of further answer, Respondent objects to any payment to any other creditor until and unless respondent's valid secured lien is paid in full.

9. Denied. Strict proof is demanded at trial.

10 – 15. Denied. Strict proof is demanded at trial.

WHEREFORE, Respondent respectfully requests that any order permitting the sale of the Real Property condition the same upon the conditions set forth above and for any other relief the Court deems just and proper.

This the 13th day of July, 2021.

/s/ Andrew Spivack
Andrew Spivack (Bar No. 84439)
Attorney for Creditor
BROCK & SCOTT, PLLC
302 Fellowship Road, Suite 130
Mount Laurel, NJ 08054
Telephone: 844-856-6646 x3017
Facsimile: 704-369-0760
E-Mail: PABKR@brockandscott.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**
Philadelphia Division

IN RE:

GERALD L. POPP, JR.

Case No. 17-10583-amc
Chapter 13

Wells Fargo Bank, N.A.,
Movant

vs.

GERALD L. POPP, JR.,
Debtor

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing Response to Motion to Sell has been electronically served or mailed, postage prepaid on July 13, 2021 to the following:

GERALD L. POPP, JR
376 WHEATSHEAF LANE
LANGHORNE, PA 19047

Howard Gershman, Debtor's Attorney
610 York Road, Suite 200
Jenkintown, PA 19422

William C. Miller, Bankruptcy Trustee
Chapter 13 Trustee
PO Box 1229
Philadelphia, PA 19105

United States Trustee, US Trustee
200 Chestnut Street
Suite 502
Philadelphia, PA 19106

/s/ Andrew Spivack
Andrew Spivack (Bar No. 84439)
Attorney for Creditor
BROCK & SCOTT, PLLC
302 Fellowship Road, Suite 130
Mount Laurel, NJ 08054
Telephone: 844-856-6646 x3017
Facsimile: 704-369-0760
E-Mail: PABKR@brockandscott.com